United Nations A/C.3/62/8

General Assembly

Distr.: General
21 November 2007

Original: English

Sixty-second session
Agenda item 70 (a) and (b)
Promotion and protection of human rights: implementation of human rights instruments: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Letter dated 16 November 2007 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

I have the honour to convey to you information regarding the implementation in the Republic of Uzbekistan of the provisions of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (see annex).

I would appreciate it if you could circulate the present letter and its annex as a document of the General Assembly, under agenda item 70 (a) and (b).

(*Signed*) Alisher **Vohidov**
Permanent Representative
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Annex to the letter dated 16 November 2007 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

[Original: Russian]

Information regarding the implementation in the Republic of Uzbekistan of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

To date the United Nations Committee against Torture has considered three national periodic reports of the Republic of Uzbekistan on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The initial report of Uzbekistan on the implementation of the Convention was considered by the Committee against Torture in 1999. In May 2002 the Committee considered the second periodic report and, in November 2007, the third periodic report.

The implementation of the Convention against Torture in Uzbekistan comprises the following three components: (1) the adoption of comprehensive measures to liberalize and humanize all elements of the judicial and legal system; (2) the implementation of specific measures to prevent and eradicate torture and other cruel treatment and punishment; (3) the establishment of a system for improving the legal awareness and knowledge of law enforcement officers and the provision of training and education on the impermissibility of torture, both for representatives of State authorities and for citizens and their public associations. At the same time, steps are being taken to raise the country's level of socio-economic development.

It should be noted that, from the very first days of Uzbekistan's independence, the protection of human rights and interests has been declared a priority area of State policy. Uzbekistan has become a party to more than 60 international treaties relating to human rights protection and in that regard is working systematically to implement international norms in its national legislation.

These principles of State policy were again reflected in the report of the President of the Republic of Uzbekistan, Islam Karimov, at the joint meeting of the supreme organs of all branches of government which took place on 30 August 2007.

Over the years, a fundamentally new concept of the structure of the judicial and legal system has been put into practice as the most important component of the establishment of a State governed by the rule of law. As part of the process of judicial and legal reform, a Criminal Code, Code of Criminal Procedure, Civil Code, Code of Civil Procedure and Code of Economic Procedure, as well as laws on the courts and the procuratorial system, have been adopted. These have established an effective legal mechanism for the protection of citizens' rights and interests in the courts.

In recent years, significant work has been done to deepen judicial and legal reform, to ensure the rule of law, to strengthen the protection of citizens' rights and freedoms, to liberalize crime policy and to improve court proceedings. The following steps have been taken to strengthen the independence of the judiciary: the courts are now specialized, an appeal procedure has been introduced for the purpose of verifying the legality, merits and fairness of court decisions, the cassation system has been reformed, and the period of pretrial detention for accused persons has been reduced from one and a half years to nine months. In the past four years, the use of pretrial detention as a preventive measure has decreased by more than half.

In addition, a system of reconciliation has been introduced, under which exemption from criminal liability is granted for certain crimes. A thorough liberalization of criminal law has been carried out and the classification of offences has been reviewed and changed: the category of less serious offences that do not present a serious danger to society has been expanded.

The change in the classification of offences and the liberalization of criminal penalties have allowed the courts to impose non-custodial penalties more widely. For example, in 2001, 7.2 per cent of convicted persons were punished by the imposition of a fine, whereas in 2006 the number was 17.8 per cent.

The adoption in 2007 of laws abolishing the death penalty and introducing the institution of habeas corpus constituted notable progress in the development of the constitutional principle of the right to liberty and security of the person.

To allow for the abolition of the death penalty in the punishment system, life imprisonment has been introduced in its place as an exceptional penalty. Life imprisonment may be imposed only in exceptional cases, that is, only for aggravated homicide and terrorism. For these offences, a penalty of imprisonment for a long period — over 20 years but no more than 25 years — may be imposed.

The introduction of the institution of habeas corpus establishes that "no one may be subjected to pretrial detention except on the basis of a court decision". A clear limit on the use of pretrial detention as a preventive measure is established by law.

In November 2002, Mr. Theo van Boven, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment of the Office of the United Nations High Commissioner for Human Rights, visited Uzbekistan at the invitation of the Uzbek Government.

On the basis of an analysis of measures proposed by the State authorities and non-governmental organizations working in the field of human rights, a national plan of action was drawn up, providing for the implementation of the Convention against Torture and of all 22 of the Special Rapporteur's recommendations. In order to monitor the implementation process, the Government established an interdepartmental working group, headed by the Minister of Justice.

In accordance with a decision of the Commission on Human Rights at its sixtieth session, the independent expert on the situation of human rights in Uzbekistan, Mr. Latif Huseynov, visited the country in October 2004. While in Uzbekistan, he visited places of custody and pretrial detention and met representatives of various international non-governmental human rights

organizations and individual Uzbek citizens. His recommendations were implemented fully.

One of the stages in the Government's programme for the implementation of the Convention against Torture was the introduction of amendments to the Criminal Code relating to the definition of the concept of torture.

The new version of article 235 of the Criminal Code, which was adopted by Parliament in August 2003 together with other relevant articles, establishes fully that all the acts set out in article 1 of the Convention against Torture are criminal offences which are strictly punishable by law. In addition, on 19 December 2003, the Plenum of the Supreme Court of Uzbekistan adopted decision No. 17, which provides an interpretation of the concept of torture that is in line with article 1 of the Convention against Torture.

Thus, the provisions of article 1 of the Convention against Torture are implemented fully in Uzbek law.

The institutional basis for the protection of human rights in Uzbekistan is being improved. By a Cabinet of Ministers decision of 27 August 2003, the Department of Human Rights Protection and its local offices were established as part of the Ministry of Justice.

Similar structures are in operation in the Ministry of Internal Affairs and the Office of the Procurator-General. The procuratorial authorities, together with other law enforcement agencies, are examining the circumstances and factors that encourage the unlawful prosecution of citizens, and appropriate measures are being taken to prevent and eliminate such cases.

The Government of Uzbekistan cooperates on an ongoing basis with international organizations such as the Organization for Security and Cooperation in Europe and United Nations bodies such as the Human Rights Council, the human rights treaty bodies and the United Nations Development Programme and receives guidance and technical assistance from them.

From the results achieved to date, it can be said that Uzbekistan has carried out substantial work to implement the United Nations Convention against Torture. This work is a component of State policy aimed at improving the judicial and legal system, strengthening the independence of the judiciary, raising the level of legitimacy in the activities of the law enforcement agencies and ensuring comprehensive protection of human rights and freedoms in the justice sector.